

MEMORANDUM

TO: Members, Public Disclosure Commission

FROM: Philip E. Stutzman, Director of Compliance

DATE: November 22, 2002

SUBJECT: Status of Compliance Cases

Enclosed is an update of all compliance activity since my last memo to you dated October 22, 2002. If you would like additional information, please let me know.

Table of Contents

Respondent	Case Number	Page
Anderson, Don	03-007	29
Bainbridge Parents for Better Parks	02-295	7
Bauer, Ron	03-070	19
Blankenship, Michael	02-351	23
Bookspan, Elizabeth	03-069	19
Carlson, John	03-004	24
Citizens Against the Monorail.....	N/A	10
Citizens for a Better Covington	03-022	24
City of Vancouver (City Officials)	02-286	27
Committee for Unemployment Insurance Reform.....	03-017	24
Concerned Cit for Better Government and Joe Coomer	00-241	12
Concerned Cit for Better Government and Joe Coomer	03-080	22
Democratic Party of Oregon.....	03-068	6

Note: If the Disposition shows “Pending,” the case has not yet been resolved and no finding on the allegations has been made.

Dolan, Laurie	N/A	11
Farmers First	02-279	8
Foote, H.M. “Mike”	02-295	28
Healthcare for Washington’s Working Families	03-062	26
Hunter, Ross	03-071	20
Jackley, Brock	03-046	25
Jacobson, Deborah	03-073	20
Jefferson County Republican Central Committee	03-027	25
Myers, Brett	03-063	18
National Education Association	02-282	14
Nixon, Toby	03-072	20
Nixon, Toby	03-081	23
O’Malley, Patrick	03-076	21
Pearsall-Stipek, Cathy.....	02-294	28
Permanent Offense, Permanent Offense, Inc., Traffic Improvement Initiative Committee, and Tim Eyman	02-281	13
Peterson, Barbara	03-082	23
Peterson, Gary; Benjamin, Richard; Foote, H.M.; Steenrod, Maggie; Guite, Jerry; & Coomer, Joe	02-296	16 & 28
Porter, Rick.....	03-021	17
Protect Our Pets & Wildlife.....	01-134	4
Public School Employees of Washington	03-059	26
Rabe, Andree’	02-349	9
Roach, Pam	03-024	17
Save Our Spending Limits	03-323	25
Selland, Robert	03-074	20
Senate Republican Campaign Committee.....	03-060	18
Simpson, Geoff	N/A	10
Simpson, Geoff	03-047	26
Snohomish Co. Deputy Sheriff’s Assn. & Mike Ashley ..	03-020	17
So Tired of Paying Taxes.....	03-061	18

Note: If the Disposition shows “Pending,” the case has not yet been resolved and no finding on the allegations has been made.

Spencer, Dane	02-291	27
Sullivan, Pat	N/A	10
The American Dream Coalition	03-079	22
VGH Bond Committee.....	N/A	9
Ward, Yvonne	03-067	19
Washington Education Association.....	01-002	12
Washington St. Democratic Central Committee	03-005	15
Washington St. Democratic Central Committee	03-026	6
Washington St. Democratic Central Committee	03-068	5
Washington St. Democratic Central Committee	03-078	22
Washington State Department of Transportation	03-077	21
Whatcom County Republican Party	03-019	16
Wilson, Terry	N/A	11
Wilson, Terry	03-075	21

Note: If the Disposition shows “Pending,” the case has not yet been resolved and no finding on the allegations has been made.

Part I

Investigations Completed

Cases Scheduled For Hearing:

Scheduled for Full Enforcement Hearing

Protect Our Pets and Wildlife--Case #01-134; Investigator: Suemary Trobaugh

Date Received: October 20, 2000

Date Started: October 25, 2000

Section of Law: RCW 42.17.080, .090 and .510

Status: Investigation Complete

Summary: A complaint was received from Ed Owens, Chair of Citizens for Responsible Wildlife Management, alleging that Protect Our Pets failed to report in kind contributions from a flyer mailing and a postcard mailing. The postcard mailing allegedly did not contain proper sponsor identification. Mr. Owens also alleged that Protect Our Pets failed to report expenditures for political ads placed with local television stations (King-5, KIRO, and KOMO in Seattle). In addition, Mr. Owens alleged that these ads did not contain proper sponsor identification. A brief enforcement hearing was held on October 18, 2001. However, rather than ruling on the case, the Presiding Officer continued the matter to the November 1, 2001 brief hearing date. On November 1, 2001, Chair Christine Yorozu, the Presiding Officer at the hearing, declined to hear additional evidence and moved the matter to be heard by the full Commission. An enforcement hearing was held before the full Commission on January 22, 2002. The Commission found that Protect Our Pets and Wildlife committed an apparent violation of RCW 42.17.080, and .090, and referred the matter to the Attorney General's Office. The Attorney General's Office took no action regarding the referral, and in accordance with the Commission's order, returned the matter to the Commission for disposition. The full Commission will deliberate on the case at its January 28, 2003 Commission meeting. (Postponed from December 4, 2002.)

Disposition: Pending

Note: If the Disposition shows “Pending,” the case has not yet been resolved and no finding on the allegations has been made.

**Washington State Democratic Central Committee—Case #03-068; Investigator:
Susan Harris**

Date Received: August 7, 2002

Date Started: August 7, 2002

Section of Law: RCW 42.17.090

Status: Investigation Complete

Summary: A “45-day Citizen Action Letter” was received from Richard Pope alleging that the Washington State Democratic Central Committee (WSDCC) failed to forfeit contributions received from out-of-state or federal political committees when those committees failed to file PDC form C-5 within ten days of the date the WSDCC received the contributions. (NOTE: See PDC Case No. 03-026 for the portion of the Citizen Action Letter that was addressed at the October 29, 2002 special Commission hearing) The Democratic Party of Oregon made a \$20,000 contribution to the WSDCC on November 28, 2000, and that contribution was not disclosed by the WSDCC until August of 2001. In addition, the Democratic Party of Oregon failed to file a C-5 report until September 9, 2002, so there was no disclosure of the contribution until eight months after the 2000 election had been held. An enforcement hearing before the full Commission was held on October 29, 2002, but the Commission moved to delay consideration of this case until the December 4, 2002, special Commission hearing.

Disposition: Pending

Scheduled for Brief Enforcement Hearing (None)

Cases Closed

The following cases were closed as a result of enforcement hearings: (Respondents may appeal the results of enforcement hearings.)

Full Enforcement Hearing

Note: If the Disposition shows “Pending,” the case has not yet been resolved and no finding on the allegations has been made.

Democratic Party of Oregon--Case #03-068; Investigator: Susan Harris

Date Received: August 7, 2002

Date Started: August 7, 2002

Section of Law: RCW 42.17.090

Status: Investigation Complete

Summary: A “45-day Citizen Action Letter” was received from Richard Pope alleging that the Washington State Democratic Central Committee (WSDCC) failed to forfeit contributions received from out-of-state or federal political committees when those committees failed to file PDC form C-5 within ten days of the date the WSDCC received the contributions. (See PDC Case No. 03-026) The Democratic Party of Oregon made a \$20,000 contribution to the WSDCC on November 28, 2000, and did not file a C-5 report until September 9, 2002. In addition, the contribution was not timely disclosed by the WSDCC on a C-3 report until August of 2001.

Disposition: An enforcement hearing before the full Commission was held on October 29, 2002. The Commission accepted the Stipulation of Facts and Violation presented by staff and the Democratic Party of Oregon, and found that the Democratic Party of Oregon committed a single violation of RCW 42.17.090(1)(l) by failing to file PDC form C-5 within 10 days of the receipt of their contribution made to the Washington State Democratic Central Committee. A civil penalty of \$1,000 was assessed, of which \$500 was suspended on the condition that the Democratic Party of Oregon commits no further violations of RCW 42.17 for a period of four years.

Washington State Democratic Central Committee—Case #03-026; Investigator: Susan Harris

Date Received: August 7, 2002

Date Started: August 7, 2002

Section of Law: RCW 42.17.090(1)(l)

Status: Investigation Complete

Summary: A “45-day Citizen Action Letter” was received from Richard Pope alleging that the Washington State Democratic Central Committee (WSDCC) during the 2000 election cycle failed to forfeit contributions they received from out-of-state or federal political committees, when those committees failed to file PDC form C-5 as required within ten days of the date the WSDCC received the contributions. The following eleven federal or out-of-state political committees

Note: If the Disposition shows “Pending,” the case has not yet been resolved and no finding on the allegations has been made.

listed in the “Citizen Action Letter”, had the matter addressed by the Commission at the October 29, 2002 Commission hearing:

- Democratic Senatorial Campaign Committee (DSCC)
- Democratic Congressional Campaign Committee (DCCC)
- International Brotherhood of Electrical Workers COPE (IBEW COPE)
- DRIVE (Teamsters political committee)
- Native American and Peace Officers PAC (NAPO PAC)
- Democratic National Committee (DNC)
- Democratic Legislative Campaign Committee (DLCC)
- Communication Workers of America COPE (CWA COPE)
- Ironworkers PAC
- International Association of Machinists Non-Partisan PAC (IAM PAC)
- National Committee for Effective Congress (NCEC)

The Oregon Democratic Party was one of the out-of-state or federal political committees who made a contribution to the WSDCC during the 2000 election cycle, but failed to timely file form C-5. That portion of the Citizen Action Letter was assigned a separate case number (PDC Case #03-068), and was also addressed at the October 29, 2002, special Commission hearing as a separate matter.

Disposition: An enforcement hearing before the full Commission was held on October 29, 2002. The Commission found the DSCC, DCCC, IBEW COPE, DRIVE, NAPO PAC, and the DNC to be in substantial compliance with RCW 42.17.090(1)(l), granted the committees a retroactive reporting modification from the requirement to file C-5 reports by the statutory deadline, and dismissed the complaint against those six entities. The Commission also dismissed the complaint against the DLCC, CWA COPE, Ironworkers PAC, IAM PAC, and the NCEC based on a variety of reasons specific to each entity.

The allegations against the Washington State Democratic Central Committee (WSDCC) were dismissed except for the allegation that the WSDCC failed to forfeit contributions it received from the Democratic Party of Oregon. That portion of the Citizen Action Letter is being addressed in Case #03-068.

Note: If the Disposition shows “Pending,” the case has not yet been resolved and no finding on the allegations has been made.

Brief Enforcement Hearings

Bainbridge Parents for Better Parks, Tom Hujar, Treasurer -- Case #02-295;

Investigator: Suemary Trobaugh

Date Received: April 11, 2002

Date Started: April 17, 2002

Section of Law: RCW 42.17.040, .080 and .090

Status: Investigation Complete

Summary: A complaint was received from John Rudolph alleging that Tom Hujar and Bainbridge Parents for Better Parks failed to timely register and report as a political committee for activities undertaken in opposition to a February 5, 2002, local ballot proposition.

Disposition: A brief enforcement hearing was held on October 29, 2002. It was found that Tom Hujar and Bainbridge Parents for Better Parks (BPBP) violated: 1) RCW 42.17.040 by failing to timely file a Political Committee Registration (PDC Form C-1pc) within two weeks of receiving contributions or making expenditures, or by January 24, 2002; 2) RCW 42.17.090 by failing to report an in-kind contribution from Mr. Hujar on BPBP's seven-day pre-election C-4 report and he failed to report two orders placed on the committee's 7-day pre-election C-4 report; and 3) RCW 42.17.080 and 42.17.090 by failing to timely file the committee's 7-day pre-election C-4 report and the post election C-4 report. Tom Hujar and the Bainbridge Parents for Better Parks were assessed a civil penalty of \$250.

The following cases were dismissed with the concurrence of the chair during this period.

Farmers First--Case #02-279; Investigator: Lori Anderson

Date Received: December 4, 2001

Date Started: January 30, 2002

Section of Law: RCW 42.17.040, .080, .090, & 510

Status: Investigation Complete

Summary: A complaint was filed by Valeria Barschaw, against Farmers First (Kenton Coy) for failing to register and report as a political committee for activities undertaken in opposition to a local ballot proposition, Snohomish County Initiative 01-02. In addition, the complaint also alleged failing to include the proper sponsor identification on political advertising.

Note: If the Disposition shows “Pending,” the case has not yet been resolved and no finding on the allegations has been made.

Disposition: Dismissed with the concurrence of the Chair. There was no evidence found by PDC staff revealing the identity of the individuals who organized the campaign, so staff was unable to pursue enforcement.

Rabe, Andree--Case #02-349; Investigator: Lori Anderson

Date Received: May 2, 2002

Date Started: May 8, 2002

Section of Law: RCW 42.17.510

Status: Investigation Complete

Summary: A complaint was received from Jon Iverson alleging that Andree' Rabe violated RCW 42.17.510 by sponsoring political advertising against a local ballot proposition that failed to contain an accurate address in the sponsor identification, and by failing to file campaign finance reports disclosing the contribution and expenditure information related to the advertising.

Disposition: Dismissed with the concurrence of the Chair. It was found that Ms. Rabe owned the property in her name from a previous marriage, and the address for that parcel was used as the address for the political advertisement. Ms. Rabe resides part-time at that residence, and filed a C-6 report on March 9, 2002, disclosing the \$3,547.58 independent expenditures that was made using her own funds.

VGH Bond Campaign Committee - (informal investigation conducted--no case number assigned) Staff: Lori Anderson

Date Received: September 6, 2002

Date Started: September 6, 2002

Section of Law: RCW 42.17.080 and .090

Status: Review Complete

Summary: A complaint was received from Val Barschaw alleging that VGH Bond Campaign Committee filed erroneous reports. The committee registration was amended to show that the committee was supporting the ballot proposition. The treasurer also amended expenditure reports to show the names of the committee's vendors. Reports that were not being timely filed were inadvertently not "uploaded" to the PDC while attempting to file by electronic means. The reporting problems were promptly corrected when the treasurer was notified of the problems.

Disposition: Dismissed with the concurrence of the Chair.

Note: If the Disposition shows “Pending,” the case has not yet been resolved and no finding on the allegations has been made.

Simpson, Geoff—(informal investigation conducted--no case number assigned)

Staff: Kurt Young

Date Received: September 6, 2002

Date Started: September 6, 2002

Section of Law: RCW 42.17.640

Status: Review Complete

Summary: A complaint was received from Gary Foss alleging that Geoff Simpson, an incumbent State Representative and a candidate seeking re-election in the 47th Legislative District, accepted contributions that exceeded the 2002 contribution limits.

Disposition: Dismissed with the concurrence of the Chair. It was found that the Geoff Simpson Campaign had received a contribution from the Washington Chiropractic Trust (WCT) that exceeded the general election contribution limits of \$625 by a total of \$250. The campaign refunded the WCT the \$250 overage within five business days of receiving the \$875 contribution. RCW 42.17.020 defines returning a contribution (or a portion of a contribution) within five business days of receipt to not be considered a contribution, and thus not exceeding the contribution limits.

Sullivan, Pat—(informal investigation conducted--no case number assigned) Staff: Suemary Trobaugh

Date Received: September 9, 2002

Date Started: September 9, 2002

Section of Law: RCW 42.17.530

Status: Review Complete

Summary: A complaint was received from Walt Watts alleging that Pat Sullivan, a candidate for State Representative in the 47th Legislative District falsely represented himself as the incumbent in political advertising sponsored by the Sullivan Campaign during the 2002 election cycle.

Disposition: Dismissed with the concurrence of the Chair. It was found that the statements made in the political advertisement sponsored by the Sullivan Campaign could lead a person to believe that Mr. Sullivan had actually served in the Washington State Legislature. However, the statement did not meet the high standard of proof required to sustain a violation.

Citizens Against the Monorail – 2 Cases (informal investigation conducted--no case number assigned) Staff: Kurt Young

Date Received: September 6, 2002 & September 10, 2002

Date Started: September 6, 2002 & September 10, 2002

Note: If the Disposition shows “Pending,” the case has not yet been resolved and no finding on the allegations has been made.

Section of Law: RCW 42.17.080 and .090

Status: Review Complete

Summary: Two complaints were received, one from Tom Barnard on September 6, 2002, and one from Gary Hopkins on September 10, 2002, alleging that the Citizens Against the Monorail failed to timely file reports of contribution and expenditure activities, and that they failed to disclose broadcast advertisements that were purchased and aired on local Seattle television stations.

Disposition: Dismissed with the concurrence of the Chair. It was found that the Citizens Against the Monorail electronically filed C-3 and C-4 reports on September 9, 2002, disclosing contribution and expenditure activities through August 31, 2002. While one C-3 report was not timely filed, the Citizens Against the Monorail filed reports through the 2002 election cycle in substantial compliance with the reporting requirements.

Wilson, Terry – 2 Cases (informal investigation conducted--no case number assigned) Staff: Kurt Young

Date Received: September 26, 2002 & October 4, 2002

Date Started: September 26, 2002 & October 4, 2002

Section of Law: RCW 42.17.530

Status: Review Complete

Summary: Two complaints were received, one from Jerry Berry on September 26, 2002, and one from Sharon Kruse on November 4, 2002, alleging that Terry Wilson, a candidate for Lewis County Coroner made false statements at public forums in which he was a speaker.

Disposition: Dismissed with the concurrence of the Chair. It was found that statements made by a candidate at a candidate forum, debate or other community event have not been interpreted by the Public Disclosure Commission as meeting the definition of political advertising.

Dolan, Laurie--(informal investigation conducted--no case number assigned) Staff: Kurt Young

Date Received: September 12, 2002

Date Started: September 12, 2002

Section of Law: RCW 42.17.105

Status: Review Complete

Summary: A complaint was received from John C. Wyss alleging that Laurie Dolan, a candidate for State Senator in the 6th Legislative District failed to timely report in-kind contributions that her campaign received from the Washington State Democratic Central Committee (WSDCC).

Note: If the Disposition shows “Pending,” the case has not yet been resolved and no finding on the allegations has been made.

Disposition: Dismissed with the concurrence of the Chair. It was found that the Laurie Dolan Campaign timely reported the in-kind contributions from the WSDCC on a Last Minute Contributions (LMC) report when they became aware that the in-kind contributions had been made by the WSDCC.

Cases Referred To Attorney General For Further Action

Concerned Citizens for Better Government (CCBG) and Joseph Coomer, Treasurer, CCBG--#00-241; Investigator: Kurt Young

Date Received: October 21, 1999

Date Started: October 25, 1999

Section of Law: RCW 42.17.080 and .090

Status: Investigation Complete

Summary: A complaint was received from Meg Van Wyk, alleging that Concerned Citizens for Better Government (CCBG) and Joseph Coomer, Treasurer, CCBG, distributed political advertising without properly reporting or filing the required campaign disclosure reports. An enforcement hearing was held February 27, 2001.

Disposition: The Commission found that the Respondent committed multiple apparent violations and referred the matter to the Attorney General's Office.

Washington Education Association—Case #01-002; Investigator: Lori Anderson

Date Received: August 15, 2000

Date Started: August 18, 2000

Section of Law: RCW 42.17.760

Status: Investigation Complete

Summary: A complaint was received from the Evergreen Freedom Foundation and public school employees alleging that the Washington Education Association (WEA) and Washington School Districts are in violation of RCW 42.17.680 and 42.17.760. The complaint alleges that Washington School Districts are in violation of RCW 42.17.680 by withholding dues and fees from employees' wages that are used by the WEA and the National Education Association (NEA) for contributions to political campaigns. The complaint also alleges that the WEA is violating RCW 42.17.760 by using agency shop fees for political contributions and expenditures without the affirmative authorization of non-members. The complaint was forwarded to the PDC by the Attorney General's Office following its receipt of the complaint from EFF. The complaint was filed with the Attorney General's Office and all County Prosecuting Attorneys requesting that an action

Note: If the Disposition shows “Pending,” the case has not yet been resolved and no finding on the allegations has been made.

be commenced in the courts to address the apparent violations of RCW 42.17. The complaint said that if an action were not commenced in court the complainant would seek appropriate legal and equitable relief pursuant to RCW 42.17. RCW 42.17.400(4) provides a 45-day time period before a complainant may take steps to initiate a citizen’s action in superior court.

Disposition: The Commission accepted a Stipulation of Facts, Violations and Recommendations, found that the Respondent committed an apparent violation of RCW 42.17.760, stipulated to as actual violations, and referred the matter to the Attorney General’s Office.

Thurston County Superior Court Disposition: The Attorney General’s Office filed suit in Thurston County, and the case went to trial in Thurston County Superior Court. The Thurston County Superior Court found the Respondent intentionally violated RCW 42.17.760, and assessed a total civil penalty of \$400,000. The Washington Education Association has appealed that decision.

Permanent Offense, Permanent Offense Incorporated, Traffic Improvement Initiative Committee, and Tim Eyman—Case #02-281; Investigator: Kurt Young; (Also received 45-Day Letter of Complaint)

Date Received: February 6, 2002

Date Started: February 6, 2002

Section of Law: RCW 42.17.080, .090, .120, & .125

Status: Investigation Complete

Summary: A complaint was filed by PDC Executive Director Vicki Rippie against Permanent Offense, Permanent Offense Incorporated, Traffic Improvement Initiative Committee, and Tim Eyman alleging the following: 1) failure to properly report committee expenditures, including the purpose of those expenditures; 2) concealing the fact that committee funds were expended to pay Mr. Eyman for compensation for the work he performed on behalf of Permanent Offense; 3) use of committee funds to pay for Mr. Eyman’s personal expenses. In addition, a “45-day letter of complaint” was filed by Richard A. Smith and Knoll Lowney, attorneys with Smith & Lowney, PLLC, representing Permanently Offended, with the Office of the Attorney General and the County Prosecutor’s Offices in King, Snohomish and Thurston counties against Permanent Offense, Permanent Offense, Inc., Traffic Improvement Initiative, Tim Eyman, Karen Eyman, and Suzanne Karr alleging violations similar to those outlined in the PDC complaint.

Disposition: A report to the Commission was presented at its special April 9,

Note: If the Disposition shows “Pending,” the case has not yet been resolved and no finding on the allegations has been made.

Commission meeting. The Commission found that the Respondent committed multiple apparent violations and referred the matter to the Attorney General’s Office.

National Education Association—Case #02-282; Investigator: Suemary Trobaugh; (45-Day Letter of Complaint)

Date Received: January 31, 2002

Date Started: February 6, 2002

Section of Law: RCW 42.17.040, .080, .090, .680 and .760

Status: Investigation Complete

Summary: On January 31, 2002, the Evergreen Freedom Foundation, Lowell Johnson, Carrie Riplinger, Susan Kobes and David Williams, through attorney Jeanne Brown filed a citizen’s action letter under RCW 42.17.400(4) with the Office of the Attorney General and the State of Washington’s County Prosecutors’ Offices. The complaint alleged violations by the NEA’s Ballot Measure/Legislative Crisis and Media Campaign Fund of 1) RCW 42.17.040 et. seq (failure to register as a political committee); 2) violations of RCW 42.17.680(3) (diverting a portion of an employee's wages or salaries for contributions to political committees without the written request of the employee); and 3) violations of RCW 42.17.760 (using agency shop fees paid by non members to influence an election without written authorization by the Individual). On February 6, 2002, the Office of the Attorney General officially notified the PDC that they were referring the matter to the PDC for investigation. PDC Staff completed a Preliminary Report of Investigation and prepared a memorandum to Commission members concerning Staff’s findings and recommendation.

Disposition: On April 9, 2002, the matter was on the Commission’s agenda as a report to the Commission. In light of the complaint the Evergreen Freedom Foundation filed against the NEA in Thurston County Superior Court on April 8, 2002 under provisions of RCW 42.17.400(4), the Commission accepted Staff’s recommendation that it take no action in this case. On August 23, 2002, Thurston County Superior Court Judge Paula Casey dismissed the lawsuit filed by EFF against NEA. Judge Casey’s dismissal was based on a decision by the WA State Court of Appeals in State ex rel. Evergreen Freedom Foundation v Washington Education Association, No. 25272-4-II, where the court stated that “Before the 10-day period¹ had passed after EFF’s second letter to the AG, the AG forwarded

¹ RCW 42.17.400 states: “The citizen action may be brought only if the attorney general...ha(s) failed to commence an action hereunder within forty-five days and after such notice and such person has thereafter further

Note: If the Disposition shows “Pending,” the case has not yet been resolved and no finding on the allegations has been made.

the allegations to the PDC for investigation...Because the AG acted before the end of the 10-day period, EFF could not bring a citizen’s action lawsuit under RCW 42.17.400...” By a unanimous vote, the Commission dismissed the allegations that NEA violated RCW 42.17.040 and 42.17.680.

On October 2, 2002, at a special Commission meeting, by a unanimous vote, the Commission dismissed the allegations that NEA violated RCW 42.17.040 and 42.17.680. By a unanimous vote, the Commission found multiple apparent violations of RCW 42.17.760 by the NEA when it used agency shop fees to make contributions or expenditures to influence an election or to operate a political committee without authorization from the employees. The Commission found that given the insufficiency of its penalty authority, in lieu of holding an enforcement hearing, the Commission referred the above referenced apparent violations to the Washington State Attorney General's Office for appropriate action pursuant to RCW 42.17.360 and .395 and WAC 390-37-100.

**Washington State Democratic Central Committee—Case #03-005; Investigator:
Susan Harris**

Date Received: July 8, 2002

Date Started: July 8, 2002

Section of Law: RCW 42.17.065, .080, & .090

Status: Investigation Complete

Summary: A complaint was filed by PDC Executive Director Vicki Rippie alleging that the Washington State Democratic Central Committee (WSDCC) violated RCW 42.17.080 and .090 by failing to file C-3 reports disclosing contributions received during the 2000 election cycle. In addition, the complaint also alleged the WSDCC failed to timely file C-3 reports disclosing contributions received during the 2000 election cycle until August of 2001 and January of 2002.

Disposition: This matter was presented as a report to the Commission on August 27, 2002. The Commission found multiple apparent violations of RCW 42.17.080 and 42.17.090 for failure to timely file reports of contributions and expenditures, and referred the case to the Attorney General’s Office for appropriate action.

notified the attorney general...that said person will commence a citizen’s action within ten days upon their failure to do so...”

Note: If the Disposition shows “Pending,” the case has not yet been resolved and no finding on the allegations has been made.

Part II

Active Investigations

Investigations In Progress

Peterson, Gary; Benjamin, Richard; Foote, Michael; Steenrod, Maggie; Guite, Jerry; Coomer, Joe-- Case #02-296; Investigator: Sally Parker

Date Received: April 15, 2002

Date Started: April 19, 2002

Section of Law: RCW 42.17.040, .080, .090, .100, .240 and .510

Status: Under Investigation

Summary: A complaint was received from Dave Kaplan alleging that Gary Peterson failed to disclose information on his Personal Financial Affairs Statement (PDC Form F-1); that consulting services were provided by Don Wasson to two Des Moines City Council candidates that exceeded the mini reporting limits; that the Des Moines Marina Association made contributions to three candidates for Des Moines City Council that were not disclosed; that a political advertisement was produced and distributed in the City of Des Moines without sponsor identification; that additional political advertisements supporting or opposing candidates for Des Moines City Council failed to contain proper sponsor identification and were not timely reported; and that public facilities of King County Water District #54 were used to produce and distribute a flyer that supported or opposed candidates for Des Moines City Council in the 2001 City Council elections. On May 1, 2002, a complaint addressing several of the same issues was received from Stanley M. Scarvie on behalf of Citizens for Des Moines. Mr. Scarvie's complaint has been combined with Case #02-296.

NOTE: The investigative portion of the complaint regarding Michael Foote's alleged use of the public facilities of King County Water District #54 to produce and distribute a flyer that supported or opposed candidates has been suspended pending the outcome of pending litigation.

Disposition: Pending

Whatcom County Republican Party--Case #03-019; Investigator: Kurt Young

Date Received: August 8, 2002

Date Started: August 9, 2002

Section of Law: RCW 42.17.065, .080 and .090

Status: Under Investigation

Note: If the Disposition shows “Pending,” the case has not yet been resolved and no finding on the allegations has been made.

Summary: A complaint was filed by Vicki Rippie, PDC Executive Director, alleging that the Whatcom County Republican Party failed to timely report contribution and expenditure information for activities undertaken during calendar years 1999, 2000 and 2001.

Disposition: Pending

**Snohomish County Deputy Sheriff’s Association & Mike Ashley--Case #03-020;
Investigator: Lori Anderson**

Date Received: September 18, 2002

Date Started: September 18, 2002

Section of Law: RCW 42.17.080, .090 & .100

Status: Under Investigation

Summary: A complaint was received from Michael Roskind alleging that the Snohomish County Deputy Sheriff’s Association made expenditures during the 2001 Snohomish County Council elections that supported the Mike Ashley Campaign and have not been reported either as independent expenditure by the Snohomish County Deputy Sheriffs’ Association or as an in-kind contribution received by the Mike Ashley campaign.

Disposition: Pending

Porter, Rick– Case #03-021; Investigator: Tony Perkins

Date Received: October 3, 2002

Date Started: October 7, 2002

Section of Law: RCW 42.17.040, .080, .090 and .510

Status: Under Investigation

Summary: A complaint was received from Karen Unger alleging that the Rick Porter Campaign filed campaign reports that did not accurately disclose contribution and expenditure activities, failed to include the complete campaign records inspection information on the Candidate Registration Statement (PDC Form C-1), and sponsored political advertising that failed to contain the proper sponsor identification.

Disposition: Pending

Roach, Pam – Case #03-024; Investigator: Lori Anderson

Date Received: August 12, 2002

Date Started: August 12, 2002

Section of Law: RCW 42.17.080, .090 and .095

Status: Under Investigation

Note: If the Disposition shows “Pending,” the case has not yet been resolved and no finding on the allegations has been made.

Summary: A complaint was received from Greg Rodriguez alleging that the Pam Roach Campaign failed to timely file contribution and expenditure activities for her 2002 re-election campaign, and that Ms. Roach failed to file reports disclosing activities of her surplus funds account.

Disposition: Pending

Senate Republican Campaign Committee--Case #03-060; Investigator: Suemary Trobaugh

Date Received: October 4, 2002

Date Started: October 4, 2002

Section of Law: RCW 42.17.080 & .090

Status: Under Investigation

Summary: A complaint was received from Kurt Fritts, Executive Director of the Senate Democratic Campaign Committee, alleging that the Senate Republican Campaign Committee failed to timely report contribution and expenditure activities.

Disposition: Pending

So Tired of Paying Taxes--Case #03-061; Investigator: Sally Parker

Date Received: September 13, 2002

Date Started: October 21, 2002

Section of Law: RCW 42.17.040, .080 & .090

Status: Under Investigation

Summary: A complaint was received from Dennis Antonellis alleging that the So Tired of Paying Taxes Committee failed to timely file the Committee Registration Statement (PDC Form C-1pc), and failed to timely disclose the committee's contribution and expenditure activities.

Disposition: Pending

Myers, Brett--Case #03-063; Investigator: Tony Perkins

Date Received: October 9, 2002

Date Started: October 21, 2002

Section of Law: RCW 42.17.530

Status: Under Investigation

Summary: A complaint was received from Steven R. Tomson alleging that Brett Meyers, a Republican candidate for Whitman County Sheriff, falsely implied or claimed that he was the incumbent sheriff on political advertising sponsored by his campaign.

Disposition: Pending

Note: If the Disposition shows “Pending,” the case has not yet been resolved and no finding on the allegations has been made.

Ward, Yvonne– Case #03-067; Investigator: Tony Perkins

Date Received: October 17, 2002

Date Started: October 17, 2002

Section of Law: RCW 42.17.080 & .090

Status: Under Investigation

Summary: A complaint was received from Tabitha Wells alleging that Yvonne Ward, a candidate for State Senator, failed to timely file reports disclosing contribution activities.

Disposition: Pending

Bookspan, Elizabeth– Case #03-069; Investigator: Tony Perkins

Date Received: October 9, 2002

Date Started: October 21, 2002

Section of Law: RCW 42.17.060 & .640

Status: Under Investigation

Summary: A complaint was received from Ralph E. Gorin, Chair of the 45th District Democratic Organization, alleging the Elizabeth Bookspan Campaign had accepted contributions that exceeded the contribution limits, and that contributions received by the campaign may have been accepted and deposited by someone other than the campaign treasurer or deputy treasurer.

Disposition: Pending

Bauer, Ron--Case #03-070; Investigator: Kurt Young

Date Received: October 16, 2002

Date Started: October 16, 2002

Section of Law: RCW 42.17.080, .090 & .640

Status: Under Investigation

Summary: A complaint was filed by Deryl McCarty, Secretary for the Pierce County Republican Party, alleging that Ron Bauer, a candidate for State Representative in the 2nd Legislative District, failed to report contribution and expenditure activities during the 2002 election. It was further alleged that Mr. Bauer failed to timely file contribution and expenditure reports for activities undertaken during the 2000 election cycle, for which he was also a legislative candidate. In addition, it was also alleged that Ron Bauer received contributions that exceeded the primary contribution limits of \$625.

Disposition: Pending

Note: If the Disposition shows “Pending,” the case has not yet been resolved and no finding on the allegations has been made.

Hunter, Ross--Case #03-071; Investigator: Kurt Young

Date Received: October 21, 2002

Date Started: October 21, 2002

Section of Law: RCW 42.17.080, & .090

Status: Under Investigation

Summary: A complaint was filed by Justin Kawabori alleging that Ross Hunter, a candidate for State Representative in the 48th Legislative District, failed to timely file the 21-day pre-general C-4 report that was due to be filed no later than October 15, 2002, and that the Hunter Campaign also failed to timely disclose obligations for orders placed.

Disposition: Pending

Nixon, Toby--Case #03-072; Investigator: Kurt Young

Date Received: October 18, 2002

Date Started: October 18, 2002

Section of Law: RCW 42.17.640

Status: Under Investigation

Summary: A complaint was filed by Ralph E. Gorin, chair of the 45th Legislative District Democrat's, alleging that Toby Nixon, a candidate for State Representative in the 45th Legislative District, received a contribution that exceeded the general election contribution limits of \$625.

Disposition: Pending

Jacobsen, Deborah--Case #03-073; Investigator: Sally Parker

Date Received: October 24, 2002

Date Started: October 24, 2002

Section of Law: RCW 42.080 and .090

Status: Under Investigation

Summary: A complaint was filed by Sandra Olson, Executive Director of the Senate Republican Campaign Committee, alleging that Deborah Jacobsen, a candidate for State Senator in the 47th Legislative District, failed to timely report contribution and expenditure activities undertaken during the 2002 election cycle.

Disposition: Pending

Selland, Robert--Case #03-074; Investigator: Sally Parker

Date Received: October 25, 2002

Date Started: October 25, 2002

Note: If the Disposition shows “Pending,” the case has not yet been resolved and no finding on the allegations has been made.

Section of Law: RCW 42.15.530

Status: Under Investigation

Summary: A complaint was filed by Eugene Dana alleging that Robert Selland, a candidate for Kittitas County Sheriff, sponsored political advertising that indicated he had received an endorsement from Perry Hutson, when in fact no such endorsement had been given.

Disposition: Pending

Wilson, Terry--Case #03-075; Investigator: Kurt Young

Date Received: October 24, 2002

Date Started: October 24, 2002

Section of Law: RCW 42.17.080 and .090

Status: Under Investigation

Summary: A complaint was filed by Susan Berry alleging that Terry Wilson, a candidate for Lewis County Coroner, failed to timely report a \$750 contribution from the Lewis County Republican Party.

Disposition: Pending

O'Malley, Patrick--Case #03-076; Investigator: Lori Anderson

Date Received: October 24, 2002

Date Started: October 24, 2002

Section of Law: RCW 42.17.080 and .090

Status: Under Investigation

Summary: A complaint was filed by Cort O'Connor alleging that Pat O'Malley, a candidate for Pierce County Superior Court judge, failed to timely file reports of contribution and expenditure activities during the 2002 election cycle.

Disposition: Pending

Washington State Department of Transportation--Case #03-077; Investigator: Lori Anderson

Date Received: October 25, 2002

Date Started: October 25, 2002

Section of Law: RCW 42.190

Status: Under Investigation

Summary: A complaint was filed by Shawn Newman, President of Citizens for Leaders with Ethics and Accountability Now (CLEAN) alleging that the Washington State Department of Transportation (WSDOT) used public funds to pay the costs of a mailing providing recipients with information about the Tacoma Narrows Bridge Project. The mailing was originally paid for and sent out by

Note: If the Disposition shows “Pending,” the case has not yet been resolved and no finding on the allegations has been made.

United Infrastructure Washington, Inc. (UIW), but UIW received payments from WSDOT during 2002 for “developer costs” (including the mailing costs) UIW incurred in connection with the Tacoma Narrows Bridge Project. Mr. Newman alleged that the mailing originally undertaken by UIW constituted indirect lobbying.

Disposition: Pending

Washington State Democratic Central Committee--Case #03-078; Investigator: Sally Parker

Date Received: October 28, 2002

Date Started: October 28, 2002

Section of Law: RCW 42.17.530

Status: Under Investigation

Summary: A complaint was filed by Lois McMahan, a candidate for State Representative in the 26th Legislative District, alleging that the Washington State Democratic Central Committee (WSDCC) paid for and sponsored political advertising that contained false statements about Ms. McMahan’s candidacy.

Disposition: Pending

The American Dream Coalition--Case #03-079; Investigator: Kurt Young

Date Received: November 1, 2002

Date Started: November 1, 2002

Section of Law: RCW 42.17.100 and .530

Status: Under Investigation

Summary: A complaint was filed by John D. Morgan, Chair of the Kitsap County Democratic Central Committee, alleging that “The American Dream Coalition” failed to report independent expenditures made in opposition to Tim Botkin, an incumbent Kitsap County Commissioner seeking re-election, and made false statements about Mr. Botkin in political advertising paid for and sponsored by “The American Dream Coalition”.

Disposition: Pending

Concerned Citizens for Better Government (CCBG) and Joseph Coomer, Treasurer, CCBG--#03-080; Investigator: Kurt Young

Date Received: November 6, 2002

Date Started: November 6, 2002

Section of Law: RCW 42.17.080 and .090

Status: Under Investigation

Note: If the Disposition shows “Pending,” the case has not yet been resolved and no finding on the allegations has been made.

Summary: A complaint was filed by Vicki Rippie, PDC Executive Director alleging that the Concerned Citizens for Better Government (CCBG) and Joseph Coomer, Treasurer of CCBG distributed political advertising related to more than one election cycle without reporting contribution and expenditures activities that were undertaken.

Disposition: Pending

Nixon, Toby--Case #03-081; Investigator: Kurt Young

Date Received: November 4, 2002

Date Started: November 4, 2002

Section of Law: RCW 42.17.080 and .090

Status: Under Investigation

Summary: A complaint was filed by Ralph E. Gorin, chair of the 45th Legislative District Democrat's, alleging that Toby Nixon, a candidate for State Representative in the 45th Legislative District, failed to timely file the 7-day pre-general election C-4 report as required for candidates appearing on the general election ballot.

Disposition: Pending

Peterson, Barbara--Case #03-082; Investigator: Tony Perkins

Date Received: November 4, 2002

Date Started: November 4, 2002

Section of Law: RCW 42.17.105

Status: Under Investigation

Summary: A complaint was filed by Maureen Gallegos, campaign manager for Jim Moeller a candidate for State Representative in the 49th Legislative District, alleging that Barbara Peterson, a candidate for State Representative in the 49th Legislative District, made contributions to her campaign within 21-days of the 2002 general election that exceeded the \$5,000 limitation.

Disposition: Pending

Cases Under Review

Blankenship, Michael-- Case #02-351; Investigator: Suemary Trobaugh

Date Received: May 8, 2002

Date Started: May 16, 2002

Section of Law: RCW 42.17.241

Note: If the Disposition shows “Pending,” the case has not yet been resolved and no finding on the allegations has been made.

Status: Under Review

Summary: A complaint was received from John E. Hill alleging that Michael Blankenship, a school board member in Kettle Falls School District 212 and a Ferry County Commissioner, failed to report all required information on his 1997 and 1998 Personal Financial Affairs Statements.

Disposition: Pending

Carlson, John-- Case #03-004; Investigator: Suemary Trobaugh

Date Received: June 28, 2002

Date Started: June 28, 2002

Section of Law: RCW 42.17.080, .090, and .640

Status: Under Review

Summary: An additional complaint was received from Richard Pope alleging that John Carlson, a candidate for Governor in 2000, violated RCW 42.17.080 and .090 by failing to include employer and occupation information for in-kind contributors and by failing to properly report campaign liabilities. The complaint also alleged violations of RCW 42.17.640 by accepting in-kind contributions from contributors in excess of the 2000 primary contribution limit of \$1,200.

Disposition: Pending

Committee for Unemployment Insurance Reform--Case #03-017; Investigator: Lori Anderson

Date Received: July 17, 2002

Date Started: July 24, 2002

Section of Law: RCW 42.17.080 and .090

Status: Under Review

Summary: A complaint was received from Daimon Doyle alleging that the Committee for Unemployment Insurance Reform failed to report in-kind contributions for attorneys fees incurred for a legal challenge to Referendum 53, a statewide ballot proposition.

Disposition: Pending

Citizens for a Better Covington – Case #03-022; Investigator: Tony Perkins

Date Received: August 2, 2002

Date Started: August 8, 2002

Section of Law: RCW 42.17.080, .090 and .105

Status: Under Review

Note: If the Disposition shows “Pending,” the case has not yet been resolved and no finding on the allegations has been made.

Summary: A complaint was received from Mark Zimmerman alleging that the Citizens for a Better Covington, a political committee, failed to timely file last minute contribution reports and other committee reports as required.

Disposition: Pending

Save Our Spending Limits – Case #03-023; Investigator: Suemary Trobaugh

Date Received: August 8, 2002

Date Started: August 8, 2002

Section of Law: RCW 42.17.080 and .090

Status: Under Review

Summary: A complaint was received from Andy Grow alleging that Save Our Spending Limits, a political committee that supported a statewide ballot proposition during 2002, failed to file reports disclosing activities undertaken during its signature gathering efforts.

Disposition: Pending

Jefferson County Republican Central Committee--Case #03-027; Investigator: Suemary Trobaugh

Date Received: August 20, 2002

Date Started: August 20, 2002

Section of Law: RCW 42.17.060, .080 & .090

Status: Under Review

Summary: A complaint was received from Ronald Nelson alleging that the Jefferson County Republican Central Committee received anonymous contributions in excess of contribution limits in calendar year 2001 and 2002, and failed to timely file campaign finance disclosure reports in April, May, June and July of 2002.

Disposition: Pending

Jackley, Brock--Case #03-046; Investigator: Sally Parker

Date Received: September 6, 2002

Date Started: September 6, 2002

Section of Law: RCW 42.17.530

Status: Under Review

Summary: A complaint was received from Lois McMahan alleging that the Brock Jackley Campaign produced and distributed political advertising that contained false statements of material fact made with actual malice against Ms. McMahan, a candidate opposing Brock Jackley.

Note: If the Disposition shows “Pending,” the case has not yet been resolved and no finding on the allegations has been made.

Disposition: Pending

Simpson, Geoff--Case #03-047; Investigator: Sally Parker

Date Received: September 11, 2002

Date Started: September 11, 2002

Section of Law: RCW 42.17.530

Status: Under Review

Summary: A complaint was received from Irma Larson alleging that the Geoff Simpson Campaign used photographs of Ms. Larson in political advertising as an endorsement of his candidacy, when no endorsement had been obtained.

Disposition: Pending

Public School Employees of Washington--Case #03-059; Investigator: Sally Parker

Date Received: September 30, 2002

Date Started: September 30, 2002

Section of Law: RCW 42.17.100 & .103

Status: Under Review

Summary: A complaint was received from Martyn Butler alleging that the Public School Employees of Washington failed to timely file an Independent expenditure Report (PDC Form C-6) within 24 hours as required if the expenditure occurs within 21 days of an election.

Disposition: Pending

Healthcare for Washington's Working Families--Case #03-062; Investigator: Tony Perkins

Date Received: September 3, 2002

Date Started: October 21, 2002

Section of Law: RCW 42.17.105

Status: Under Review

Summary: A complaint was received from Janet Vantzelfden alleging that the Healthcare for Washington's Working Families, a 2001 statewide initiative committee, received contributions within 21-days of the 2001 general election that exceeded \$5,000 from one source.

Disposition: Pending

Note: If the Disposition shows “Pending,” the case has not yet been resolved and no finding on the allegations has been made.

NOTE: On July 29, 2002, King County Superior Court Judge Richard McDermott issued a Permanent Injunction in *Washington Education Association v. PDC et al.* against the PDC’s distribution of, investigations concerning, and enforcement of certain provisions of the PDC’s “Guidelines for School Districts in Election Campaigns” that were finalized by the PDC in August 2001. The Guidelines explain the PDC’s interpretation of RCW 42.17.130. The Findings of Fact and Conclusions of Law that were also entered by the superior court, along with the Permanent Injunction, raise questions about the constitutionality of RCW 42.17.130. The PDC filed an appeal from the Permanent Injunction with the Washington State Supreme Court, and also filed an Emergency Motion to Stay the Injunction Pending Appeal. On September 4, 2002, that motion was denied. As a result, the Permanent Injunction, and the Findings of Fact and Conclusions of Law, remain in effect.

Therefore, until the State Supreme Court has heard this case after full briefing and argument by the parties and has issued its written decision, we are suspending investigation of complaints alleging violations of RCW 42.17.130, with two exceptions. The PDC will investigate, but not bring to a hearing until the State Supreme Court issues its decision, those complaints involving the use of e-mail or internal mail systems for communicating endorsements, and the use of classrooms for distributing materials expressly advocating support for or opposition to one or more candidates. See our website for copies of the Permanent Injunction and Findings of Fact and Conclusions of Law, as well as RCW 42.17.130, WAC 390-05-271 and WAC 390-05-273.

Based on the facts above, the following investigations are suspended until further notice:

City of Vancouver (City Officials) -- Case #02-286; Investigator: Suemary Trobaugh

Date Received: January 30, 2002

Date Started: February 13, 2002

Section of Law: RCW 42.17.130

Status: Investigation Suspended

Summary: A complaint was received from Kelly Hinton alleging that officials of the City of Vancouver used city facilities to support a February 5, 2002, local ballot proposition.

Disposition: Pending

Spencer, Dane-- Case #02-291; Investigator: Suemary Trobaugh

Date Received: March 18, 2002

Date Started: April 1, 2002

Section of Law: RCW 42.17.130

Status: Investigation Suspended

Note: If the Disposition shows “Pending,” the case has not yet been resolved and no finding on the allegations has been made.

Summary: A complaint was received from Tom Hujar alleging that officials of the Bainbridge Island Park District used park facilities to support a February 5, 2002, local ballot proposition.

Disposition: Pending

Foote, Michael -- Case #02-292; Investigator: Sally Parker

Date Received: April 1, 2002

Date Started: April 15, 2002

Section of Law: RCW 42.17.130 and .510

Status: Investigation Suspended

Summary: A complaint was received from Robert Awford alleging that Michael Foote used the facilities of King County Water District #54 to produce and distribute a flyer that supported or opposed candidates for Des Moines City Council during the 2001 City Council elections.

Disposition: Pending

Pearsall-Stipek, Cathy; McCarthy, Pat-- Case #02-294; Investigator: Sally Parker

Date Received: April 3, 2002

Date Started: April 15, 2002

Section of Law: RCW 42.17.130

Status: Investigation Suspended

Summary: A complaint was received from Dale Washam alleging that Cathy Pearsall-Stipek, Pierce County Auditor, used or authorized the use of facilities of the Pierce County Auditor's Office to assist her 1998 election campaign for Pierce County Auditor and the 2002 election campaign of Pat McCarthy for Pierce County Auditor. The portion of the complaint alleging that Pat McCarthy violated RCW 42.17.130 was dismissed July 22, 2002.

Disposition: Pending

Peterson, Gary; Benjamin, Richard; Foote, Michael; Steenrod, Maggie; Guite, Jerry; Coomer, Joe-- Case #02-296; Investigator: Sally Parker

Date Received: April 15, 2002

Date Started: April 19, 2002

Section of Law: RCW 42.17.040, .080, .090, .100, .130, .240 and .510

Status: .130 Portion of Investigation Suspended

Summary: A complaint was received from Dave Kaplan alleging a number of violations against several candidates and individuals. One allegation was that Michael Foote used the facilities of King County Water District #54 to produce and distribute a flyer that supported or opposed candidates for Des Moines City

Note: If the Disposition shows “Pending,” the case has not yet been resolved and no finding on the allegations has been made.

Council in the 2001 City Council elections. That portion of the complaint has been suspended pending the outcome of pending litigation. See Table of Contents for location of additional case summary information.

Disposition: Pending

Anderson, Don--Case #03-007; Investigator: Kurt Young

Date Received: July 10, 2002

Date Started: July 10, 2002

Section of Law: RCW 42.17.130

Status: Investigation Suspended

Summary: A complaint was received from Karl Sloan alleging that Don Anderson, an employee of the Okanogan County Prosecutor's Office and a candidate for Okanogan County Prosecutor in 2002, violated RCW 42.17.130 by using the facilities of the Okanogan County Prosecutor's Office to support his candidacy.

Disposition: Pending